

EXHIBIT 4

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~~The New York Times~~

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2007 WLNK 19321049

New York Times (NY)
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October 3, 2007

Section: B

Raids Were a Shambles , Nassau Complains to U.S.

NINA BERNSTEIN; Ann Farmer contributed reporting.

Scores of federal immigration agents from around the country, some wearing cowboy hats and brandishing shotguns and automatic weapons, endangered residents and local police officers last week as they raided homes in Nassau County in a poorly planned antigang operation, county officials charged yesterday.

Lawrence W. Mulvey, the Nassau County police commissioner, said that in two instances the immigration agents mistakenly drew their guns on Nassau County police detectives during operations that resulted in the arrests of 186 immigrants on Long Island.

Thomas R. Suozzi, the Nassau County executive, said yesterday that he was demanding an investigation into the agents' conduct by the Department of Homeland Security, which oversees Immigration and Customs Enforcement.

Mr. Mulvey said that many United States citizens and legal residents were rousted from bed and were required to produce papers during an operation so ill-conceived that all but 6 out of 96 administrative warrants issued by the immigration enforcement agency in the search for gang members had wrong or outdated addresses.

In one case, agents were seeking a 28-year-old man with a photo taken when he was 7. Of more than 90 people arrested in Nassau County, most were illegal immigrant workers with no criminal record, Mr. Mulvey said, some with young children who were frightened by the immigration agents' "inappropriate" behavior. "There were clear dangers of friendly fire," he said of the operation, in which Nassau police provided standby support.

In a sharply worded letter to Michael Chertoff, the secretary of homeland security, Mr. Suozzi asked for an investigation into what he called "serious allegations of misconduct and malfeasance committed by Immigration and Customs Enforcement personnel in executing arrest warrants in various Nassau County communities on Sept. 24 and 26, 2007."

Peter J. Smith, the special agent in charge of the raids for the agency, denied the charges.

"All those allegations that he's making, they're without merit," he said. Only one of 180 special agents assigned to the operation from the agency's Office of Investigations was wearing a cowboy hat out of personal preference, he said. "We didn't have warrants," he added. "We don't need warrants to make the arrests. These are illegal immigrants."

But in fact, Mr. Smith said, one of the 186 arrested last week turned out to be a United States citizen. "I believe it was a woman in Westbury," he said. The woman,

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he said, was released after an hour or two either with taxi fare or a ride home. "That is not uncommon," he said of the citizen's mistaken arrest as a deportable immigrant.

He noted that the unit's 7,000 special agents have conducted similar operations around the country in recent years. "You're arresting individuals who are in association, they're in the area, they're in houses that are known for illegal aliens. Gang members were going to be there."

But Mr. Mulvey said that in most cases the federal agents did not seem to have good reason to believe gang members would be present. They repeatedly passed up the invitation to check a list of 96 deportable gang associates active in Nassau County against a local police database that is updated daily, he said. They also broke promises to share a list of targets, and failed to attend a preoperation briefing, he added.

"You have to have some reason to believe the target will be there when you enter a home," Mr. Mulvey said. "When you have 96 warrants and you only find six of them, it's hard to make the argument that you had a good faith basis to enter those houses."

Mr. Mulvey said that his department had agreed to have uniformed officers present at the raids in case they resulted in local drug or weapons charges. They did not. He said he withdrew all support on Thursday, before a third night of raids, vowing not to join future operations. In contrast, Mr. Mulvey said, the department conducted a smooth and successful antigang operation with the Federal Bureau of Investigation in April. Nassau has the lowest crime rate in the nation for a county of its size, Mr. Mulvey said, in part because the police have good cooperation from the community. The conduct of the raids could undermine that relationship, he added.

"I was misled," Mr. Mulvey said. "In good conscience, I can't continue to cooperate unless these problems are ironed out." Among the problems, he wrote in a Sept. 27 letter to Joseph A. Palmese, resident agent in charge of the immigration agency's Office of Investigations in Bohemia, N.Y., was that the Nassau police could not even get a list of the 40 people arrested Monday night, leaving local officials unable to deal with a deluge of missing persons reports and inquiries from churches whose members had disappeared. Only three of the 40 were gang members, he said.

By then, he added, complaints were coming not only from immigrant advocates, but from his own officers who had seen what they said was the undisciplined conduct of the federal agents.

"These are my people that came to me," he said in an interview after the news conference held at the Nassau County Police Department in Mineola. "These are aggressive gang enforcement investigators. Day in, day out, they work the streets, arresting gang members, and it's unusual for them to come to me like that."

In Suffolk County, the police commissioner, Richard Dormer, expressed complete support for the operation.

"We will continue to support their efforts," he said in a written statement. "The gang members and violent felons have now been removed from the streets of Suffolk County, which will come as a great relief to the parents who tell us on a regular basis about their concerns that their own children will be lured into gang activity or targeted by gang members in their communities."

Just how many gang members and associates were taken into custody, and how they were categorized, remains uncertain.

Mr. Smith said that in Suffolk County, the raids resulted in the arrests of 15 identified as gang members, and 50 as "associates of gang members." Mr. Dormer provided different figures. He said 85 were arrested and 55 were gang members or associates. And while Mr. Smith said 59 out of 186 arrested in both counties had criminal records, Mr. Dormer said 61 of those arrested in Suffolk County alone had

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criminal records and 14 were violent felons.

Mr. Smith said the agency did not count up the number of homes that agents searched where they found neither gang members nor illegal immigrants, only citizens and legal residents.

'These people are very transient,' he said of those being hunted. 'They don't stay at that location. We keep going to these different places until we find them.'

---- INDEX REFERENCES ----

COMPANY: UNITED STATES DEPARTMENT OF HOMELAND SECURITY

NEWS SUBJECT: (Legal (1LE33); Judicial (1JU36); Police (1PO98); Economics & Trade (1EC26))

INDUSTRY: (Homeland Security (1HO11); Security (1SE29))

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Language: EN

OTHER INDEXING: (DEPARTMENT OF HOMELAND SECURITY; FEDERAL BUREAU OF INVESTIGATION; NASSAU COUNTY POLICE DEPARTMENT) (Customs; Dormer; Immigration; Joseph A. Palmese; Lawrence W. Mulvey; Michael Chertoff; Mulvey; Nassau; Nassau Complains; Peter J. Smith; Richard Dormer; Smith; Suozzi; Thomas R. Suozzi)

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2007 WLNR 14015115

New York Times (NY)
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July 23, 2007

Section: B

Promise of ID Cards Is Followed by Peril of Arrest for
Illegal Immigrants

NINA BERNSTEIN

NEW HAVEN Under his family's homemade shrine to the Virgin of Guadalupe, Alan Flores, 8, spoke softly about the morning last month when federal immigration agents entered his home.

It was part of a raid that has complicated, but not defeated, this city's novel plan to bring illegal immigrants out of the shadows.

The agents separated the children from the men. They placed Alan and three cousins, ages 7, 2 and 1, in a row on the living room couch. Then they asked the women, including Teresa Vara-Gonzalez, a housemate, if any of the children were theirs.

"Teresa said no, and that's when they took her," Alan said in Spanish last week, pressing closer to his mother, Norma Seden. "They took away Teresa, and my father and my two uncles. And then I got scared that they were going to come back and take away my mom."

Those taken from Alan's household were among the 32 immigrants arrested in the New Haven area by Immigration and Customs Enforcement, and scattered to jails in Rhode Island, Massachusetts and Maine, in an operation that began June 6 and ended June 11.

The operation started two days after the city's Board of Aldermen approved the plan to offer municipal identification cards to all residents, including an estimated 15,000 illegal immigrants settled in this city of 125,000.

But as the city prepares to issue the first municipal cards tomorrow, 28 of the

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32 are home on bond -- a rare outcome that underscores how the arrests galvanized community protest, bail money and legal help.

And while the operation made many illegal immigrants more fearful of applying for the Elm City Resident Card, as the New Haven identification card is called, Ms. Vara-Gonzalez, 32, a waitress, said the risks are now outweighed by the benefits: a valid photo ID that she could use in daily life and that could help her open a bank account. "For us who have already been arrested," she added, "we have nothing to lose."

New Haven's mayor, John DeStefano Jr., remains convinced that the operation was retaliation for the card initiative, he said in an interview Thursday. Despite denials by Michael Chertoff, the secretary of the Department of Homeland Security, that charge has been central to the unusual legal arguments raised by Yale University law students and professors who are working with the immigrants to challenge the arrests. The debate casts a spotlight on tactics used in raids around the country as municipalities grapple with immigration issues that have defied Congressional consensus.

During the raid, one man was up in a cherry picker when immigration agents called him down, waving a photo of someone else, and arrested him when he could not produce immigration papers, the lawyers said.

In some cases, they said, agents who found no one home at an address specified in a deportation order simply knocked on other doors until one opened, pushed their way in, and arrested residents roused from bed when they acknowledged that they lacked legal status. Of the 32 arrested, most of whom are Mexican, only five had outstanding deportation orders, and only one or two had criminal records.

Many immigrants do not know that they have a right to remain silent, or to deny agents entry to their homes without a search warrant, said Michael Wishnie, a Yale law professor directing the legal challenge. Immigration statutes give government wide latitude to question people, he said, but the law requires agents to have a valid reason for suspicion, not one based on an illegal motive like racial or ethnic profiling.

In this case, Professor Wishnie contended, the overall motive for the operation was unconstitutional retaliation for New Haven's card program. The evidence collected from the arrests, he said, is therefore "the fruit of an illegal act" and should be thrown out.

In a letter to Connecticut's Congressional delegation, which sharply questioned the timing and conduct of the operation, Mr. Chertoff defended what his agency calls Operation Return to Sender, a national enforcement effort to reduce a backlog of more than 632,000 "fugitive aliens." He insisted that in New Haven the agents "at no time" entered a dwelling without consent.

Professor Wishnie said, however, that Mr. Chertoff wrote that agents had waited with an 11-year-old girl for her father to come home from work. A child cannot give legal consent for entry, Professor Wishnie said.

The conflict has also energized opponents of the city ID card. On Friday, an

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immigration control group based in the suburbs of New Haven, Southern Connecticut Immigration Reform, demanded a list of applicants under Freedom of Information laws and vowed to sue for it, fanning fears among illegal immigrants that if they sign up, they could become the targets of future raids.

'Everytown U.S.A. has got their eyeballs fixed on this,' said Sean McMurray, a demolition foreman in the group. 'I don't want to see innocent people hurt, but I'm talking security for the legal residents of this country.'

On the other side, John Jairo Lugo, director of Unidad Latina en Accion, an immigrant self-help group in New Haven, also said towns across the country are watching.

'This was to make New Haven a model city in the United States,' Mr. Lugo said of the card, which is meant to be useful to all New Haven residents by combining access to city pools, libraries, the municipal golf course and the dump, and doubling as a debit card for parking meters. 'Maybe that's one of the prices you pay: the raids happened, people got detained. But the rest of the community came together. It's a symbolic lesson: You cannot fight for the immigrants alone.'

In interviews last week with seven of those arrested, the fear remained palpable.

Alan Flores's father, Apolinar Flores Romero, a pizza maker, said that in the first days after his release, he was afraid to leave the house.

Florente Baranda, another man, said he is haunted by his detention: 'They had us with chains on our feet in Hartford, 23 or 24 people in this tiny room.' Mr. Baranda, 32, has lived in New Haven since 1998, packaging bread at a bakery from 5 p.m. to 2 a.m. for \$11 an hour. He and his wife have two children and, like many of those arrested, attend St. Rose of Lima Catholic Church, which played a major role in raising bail.

'I'm nervous taking my kids to the park,' Mr. Baranda said at Junta, an immigrant organization that helped feed families when the raid left them without breadwinners.

A Yale law intern, Stella Burch, tried to reassure Mr. Baranda. Now that he is in deportation proceedings and out on \$15,000 bond, she explained, 'No one can arrest you for immigration issues, and we're going to fight with you to win your case -- St. Rose, Junta, the law school.'

The lawyers are still working for the release of Ivania Sotelo, 48, a Nicaraguan woman who was one of the few arrested on an outstanding deportation order. Her son, Jerry Sarmiento, 14, a United States citizen and the chess champion of his school, said her early-morning arrest left him in shock.

'I didn't want to tell anybody,' he said. 'But I started crying right in the middle of the seventh-and-eighth-grade morning circle.'

His mother is in the county jail in Portland, Me. 'It's a horrible place,' said Jerry, who was able to visit only once. 'They're all in orange and she's

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right next to the drug addicts and murderers, and I don't know why.'

Others had no families to call when they were bused in shackles to a private prison in Rhode Island. 'I felt like I could disappear,' Jose Yangua, 27, a landscaper, said through a translator.

Ms. Burch had called jails in three states to find Mr. Yangua and his brother Edinson, who was also arrested. She collected handwritten testimonials from their landlord and bosses to win their release on bail.

Their landlord, Michael Quoka, wrote that the brothers were 'solid members of the community' who studied English at night and paid the rent on time.

Most of the cases will probably take years to resolve. But just 18 days in jail has turned Jose Yangua's life upside down. Immigration authorities confiscated all his identity documents, he said, including his valid Michigan driver's license and the bank card he needs for access to his savings.

A municipal card, he said, may now be his best chance to prove his identity.

Photo: Apolinar Flores Romero, with his son, Alan, was arrested in New Haven by immigration agents. (Photograph by James Estrin/The New York Times) (pg. B5)

---- INDEX REFERENCES ----

COMPANY: YALE UNIVERSITY

NEWS SUBJECT: (Social Issues (1S005); Legislation (1LE97); Government (1G080); Crime (1CR87); Economics & Trade (1EC26))

INDUSTRY: (Smuggling & Illegal Trade (1SM35); Security (1SE29); Homeland Security (1H011))

REGION: (Americas (1AM92); North America (1NO39); New England (1NE37); Connecticut (1CO13); USA (1US73); Maine (1MA44); Rhode Island (1RH18))

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OTHER INDEXING: (CONGRESSIONAL; CONNECTICUT; CONNECTICUT IMMIGRATION REFORM; DEPARTMENT OF HOMELAND; UNIDAD LATINA; YALE; YALE UNIVERSITY) (Accion; Alan; Alan Flores; Apolinar; Apolinar Flores Romero; Baranda; Burch; Chertoff; Customs Enforcement; Edinson; Florente Baranda; Flores Romero; Ivania Sotelo; James Estrin; Jerry; Jerry Sarmiento; John DeStefano Jr.; John Jairo Lugo; Jose Yangua; Lugo; Michael Chertoff; Michael Quoka; Michael Wishnie; Norma Seden; Promise; Sean McMurray; Stella Burch; Teresa; Teresa Vara-Gonzalez; Vara; Wishnie; Yangua)

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(THIS IS THE FULLTEXT)
Groups question immigration raid in central Idaho
Associated Press
September 21, 2007
T21:19:54Z

TEXT:

BOISE, Idaho -

The Idaho Community Action Network has denounced early morning raids carried out by Immigration and Customs Enforcement agents in central Idaho that resulted in about 21 arrests.

The American Civil Liberties Union of Idaho said it is investigating to see if anyone's civil rights were violated.

The pre-dawn raids in Ketchum, Hailey and Bellevue on Sept. 15 were carried out by federal agents with the help of the Blaine County sheriff's office, said sheriff's Detective Steve Harkins.

He said the raids were meant to find undocumented immigrants with criminal convictions, previous deportations, or people who had been asked to leave the country but remained.

During the raids, Harkins said, federal agents also detained people who were not able to prove they were U.S. citizens or legal residents.

He said those who were detained in the raids were being held in the Ada and Canyon county jails.

'It is clear that ICE agents terrorized the community, including U.S. citizen children who were sleeping when the raid occurred,' said Leo Morales, a community organizer for ICAN, at a meeting Tuesday in Hailey. 'In several homes, children were left crying as ICE agents interrogated parents and hauled them away.'

Some people whose homes were raided said they were unsure what was happening.

'They pounded on my door so hard that my walls shook,' said Dana Ayala. 'My 19-year-old son opened the door to see what was happening, and six agents armed with guns, Tasers and flashlights pushed their way into my home.'

Ayala said she and her children are U.S. citizens, and that her husband, a native of Mexico, has legal residency in the United States.

She said agents told her they were looking for a sexual predator with a


Hispanic surname, a person she had never heard of before.

'I've not heard that anybody had a warrant,' said Jack Van Valkenburgh, executive director of ACLU of Idaho. 'I'm trying to get the word out. You don't need to let (the agents) in if they don't have a warrant. I don't think that a lot of people understand their rights.'

Karl Rusok, an ICE spokesman based in Dallas, said information was collected before the operation was carried out in central Idaho.

'This was a targeted operation,' he told The Associated Press on Friday. 'All of our operations are targeted to go after specific individuals. During the course of the operation we may also encounter and arrest others we determine to be in the country illegally.'

He did not immediately call back with information on what prompted the operation in central Idaho, or the specific number of people arrested.
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Immigration agents seize 20 suspected illegal aliens

ACLU investigating to see if civil rights were violated

by TERRY SMITH

Federal immigration officers descended on the Wood River Valley over the weekend and scooped up some 20 people who are suspected of being illegal immigrants.

The raid by Immigration and Customs Enforcement officers has left a bitter taste in the mouths of at least one Blaine County family, and the American Civil Liberties Union of Idaho is investigating to see if civil rights were violated.

ICE officials have declined to comment on the raid, but Blaine County Sheriff's Detective Steve Harkins said the federal agents were from a "special fugitive unit" out of Boise that was searching for non-native convicted felons who have returned to the United States illegally.

Harkins, who wasn't directly involved in the raid, said Tuesday that he heard 21 people were arrested. Ketchum police spokesman Kim Rogers put the number at 20. She described some of the detainees as "Peruvian."

Harkins explained that not all the people arrested are necessarily convicted felons, since in the course of raids ICE agents will detain other suspects who are unable to demonstrate that they are U.S. citizens or legal residents.

Neither the sheriff's office nor Ketchum police were directly involved in the operation, but both local agencies assigned officers as uniformed escorts.

"As far as the actual operation, that wasn't us," said Ketchum Assistant Police Chief Mike McNeil. "All I know is they came in and requested our assistance."

ICE agents in unmarked white or black sport-utility vehicles were seen conducting pre-dawn raids in Ketchum and Bellevue on Saturday morning at about 6:30 a.m.

A Bellevue woman said ICE agents showed up at her door at the Westwood Mobile Home Park at about that time.



"They pounded on my door so hard that my walls shook," said Dana Ayala, a Filipino native and U.S. citizen who has lived in the Wood River Valley for 13 years. "My 19-year-old son opened the door to see what was the matter and six agents pushed their way into my home.

"They never informed us who they were, they just barged into our house. They never showed us a warrant."

Ayala said the agents later told her that they were looking for a "sexual predator" by the name of Luis Gonzales, someone she had never heard of and had never lived in her home.

"I have two teenage daughters," she said. "I'm not going to let a pedophile stay here."

Ayala said her children are U.S. citizens and her husband is a Mexican native who has legal residency in the United States.

She said the agents searched the home and questioned the occupants for about half an hour, were rude and abrupt and have left her family traumatized, especially her 18-year-old daughter who is mentally retarded.

"I would say that they're Cracker Jack cops," said Ayala. "You don't treat citizens that way. Not even so much as an apology. That's crazy. If they would have contacted the Bellevue Marshal's Office first they would have known who we are."

Jack Van Valkenburgh, executive director of ACLU of Idaho, said the ACLU is investigating the raid to determine if civil rights were violated.

"You don't have to be a citizen to have many of the constitutional rights afforded by the Bill of Rights," he said. "You can't vote, but you still have protection from unlawful search and seizures."

He said ICE agents are required to have search warrants and that people detained or questioned by the agents have the right to an attorney.

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EXHIBIT 7

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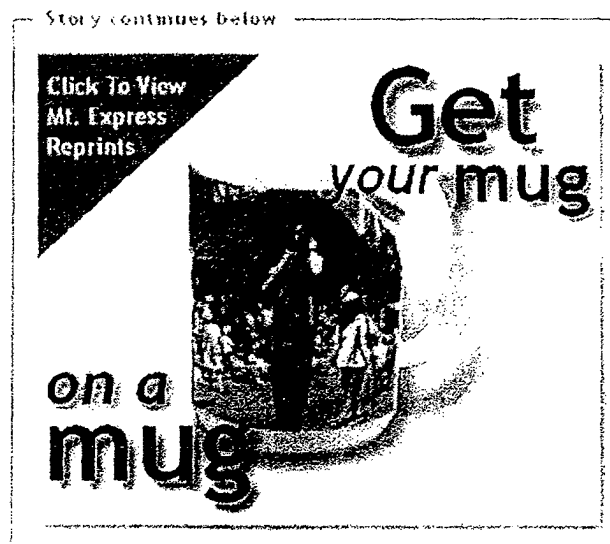
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NewsRoom

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April 28, 2007

Section: News

ACLU sues for boy in immigration raid

Mark Prado, MEDIANEWS STAFF

SAN FRANCISCO -- The American Civil Liberties Union filed a lawsuit Thursday on behalf of a 7-year-old San Rafael boy who was taken from his bed as part of an early-morning Immigration and Custom Enforcement sweep last month.

Kebin Reyes, an American citizen born in Greenbrae, has nightmares from the incident, the boy's father said Thursday.

"Kebin is still showing signs of trauma," Noe Reyes said through an interpreter at a news conference at ACLU offices. "He always needs to be next to his dad or another adult. What I want is justice so this doesn't happen to any other child."

In its suit, the ACLU alleges Nancy Alcantar, the U.S. Immigration and Customs Enforcement San Francisco field office director, and officers under her command violated the boy's constitutional rights.

The suit, filed in U.S. District Court in San Francisco, specifically cites the Fourth and Fifth Amendments -- the right to be secure in one's home against unreasonable search and seizure, and that no person shall be deprived of liberty without due process.

ACLU attorneys allege the federal government did not have a search warrant for the boy's home. But an ICE spokeswoman said warrants are obtained for all arrests.

Armed with dozens of arrest warrants, federal immigration officers swept into the Canal neighborhood in San Rafael at dawn March 6 and arrested illegal immigrants.

Caught up in the sweep was Kebin, who was with his family in an apartment on Belvedere Street when officers made the arrests.

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Agents were targeting Noe Reyes, who was in the United States illegally from Guatemala and had been ordered deported in 2000, according to ICE.

Noe Reyes gave the ICE agents his son's U.S. passport identifying Kebin as a U.S. citizen, according to the ACLU. An ICE agent then told Noe to awaken his son, saying they would take them in for only an hour or two.

Noe Reyes asked several times to make a phone call to arrange for a family member or family friend to care for Kebin. Each of the requests was denied, and Kebin watched as his father was handcuffed and taken away.

Immigration officers then told Kebin to place his arms behind his back, like his father, but he was not put in handcuffs. The pair were taken to San Francisco, according to the ACLU.

ICE officials said they took Kebin to San Francisco for his well-being until a relative could pick him up.

"He was not arrested," said Lori Haley, immigration spokeswoman. "We didn't want to leave that little boy alone."

The agency's policy on dealing with children is to allow the adult being detained to make arrangements for the minor's care.

If that's not possible, the arresting officer's supervisor makes arrangements, which vary according to the situation.

At the ICE processing center in San Francisco, additional requests to make a phone call were denied, and the boy and his father were placed in a locked room for about 10 hours and given bread and water, according to the ACLU.

Kebin was released that evening after his uncle learned about the incident from neighbors.

The uncle had to wait several hours before Kebin was finally released, ACLU attorneys said.

"ICE's treatment of children is not in line with American values of decency and fairness," said Julia Harumi Mass, staff attorney with the ACLU. "In addition to Kebin's case, we have heard reports of children left without care after their parents are detained, immigration agents targeting areas around elementary schools, and children too upset to participate in class after witnessing early morning raids in their communities. The human cost of these tactics is unacceptable."

The suit seeks unspecified damages and would require federal immigration officials to develop a policy on caring for children they might find during enforcement so cases like Kebin's aren't repeated, attorneys said.

Immigration attorneys and others said Kebin's case is the most serious example of children being harmed by immigration policy.

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The sweep was part of a stepped-up Immigration and Custom Enforcement program called Operation Return to Sender, which aims to arrest people in the country illegally.

About 18,000 people have been detained by this enforcement action since it began last year.

From Massachusetts to Colorado and California, children have been left without their parents when the adults were seized, civil rights attorneys said.

Noe Reyes is dealing with his immigration issue in court and has a hearing set for June. Kebin's mother lives outside the country.

Kebin's citizenship does not give his parents any legal standing as residents in the United States, ICE officials said.

"Having a child here is a risk people take," Haley said, "and then they are faced with decisions."

The Associated Press contributed to this report.

Contact Mark Prado at mprado@marinij.com.

---- INDEX REFERENCES ----

COMPANY: CANAL PLUS

NEWS SUBJECT: (Crime (1CR87); Social Issues (1SO05))

INDUSTRY: (Smuggling & Illegal Trade (1SM35))

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Section: NEWS

The human face of immigration raids in Bay Area : Arrests of parents can deeply traumatize children caught in the fray, experts argue

Tyche Hendricks

Immigration agents arrested siblings Victor and Elvira Mendoza, 21 and 17, when it turned out the fugitive they were looking for no longer lived at the Mendozas' home. Officers detained 6-year-old U.S. citizen Kebin Reyes for 12 hours when they arrested his father as an illegal immigrant.

These and many other families across the Bay Area and the nation were turned upside down this year by Operation Return to Sender, a federal immigration crackdown begun last May. The raids focus on illegal immigrants who have ignored deportation orders, but 37 percent of the 18,149 people arrested nationwide through Feb. 23 were not wanted fugitives.

Mental health experts say the raids are traumatizing children. Legal scholars and public officials are raising constitutional questions about the way the raids are carried out and about their impact on communities as a whole. And immigrant advocates say changes in immigration law -- including tougher provisions enacted in 1996 -- leave little room for illegal immigrants to correct their status.

"They (the raids) are putting some teeth back in immigration law," said Tim Aitken, deputy director for detention and removal operations in the San Francisco office of the U.S. Immigration and Customs Enforcement agency. "Our focus is, we want to go after the worst of the worst. ... But we can't be blind to someone who doesn't have lawful status in the United States."

The American Civil Liberties Union and the Lawyers' Committee for Civil Rights sued federal authorities in San Francisco on Thursday on behalf of Kebin Reyes, now 7, saying agents violated the child's civil rights when they took him into custody. Attorneys charge that the federal government violated Kebin's Fourth and Fifth

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Amendment rights to liberty and to being secure in his own home.

When agents arrested his father, Guatemalan-born Noe Reyes, on March 6, they would not allow him to call relatives who could take charge of Kebin and instead held the boy until an alarmed uncle heard about the arrest from neighbors, Noe Reyes and his lawyers said Thursday. "He went with his dad so he wouldn't be left home alone," said immigration agency spokeswoman Lori Haley. "We work with the families to find someone to take care of the child."

Noe Reyes, the boy's sole parent in the United States, who was released April 18, said Kebin has been fearful and withdrawn since the arrest and suffers recurring nightmares.

Lawyers and legal scholars have raised constitutional concerns about how the raids are being conducted. They accuse agents of gaining access to homes by insufficiently identifying themselves and bearing warrants that often contain inaccurate addresses for the fugitives they're seeking. Elected officials also said that when federal agents announce that they are "police," it undermines local law enforcement. And many people have questioned the right of agents to interrogate people not named in warrants about their own immigration status.

But immigration officials said questioning people who live with or associate with the targets of warrants meets the federal standard of "reasonable suspicion" that those people might be illegal immigrants.

"If agents are going to the home of a target they believe is in the country illegally, they could reasonably suspect that others in the house might be here illegally as well," said Haley.

Under federal law as amended in 1996, agents have the authority to interrogate anyone "believed to be an alien" about his or her right to be in the country.

Blake Chisam, legal counsel to the House Judiciary Committee's subcommittee on immigration, said some rationales for reasonable suspicion might not stand up in court.

"You'd have to have an articulable basis," he said. "I don't think profiling would work."

Immigrant advocates agree.

"Just because someone is Latino or has an accent doesn't mean an officer has reasonable suspicion they are undocumented," said Lawyer's Committee staff attorney Philip Hwang. "Even being in the household where one occupant is undocumented doesn't create reasonable suspicion, because there are legion mixed-status households."

San Rafael Mayor Al Boro, Richmond Police Chief Chris Magnus and San Francisco District Attorney Kamala Harris -- among many officials here and across the country -- have said agents' practice of identifying themselves as police damages the trust local law enforcement agencies have built in immigrant communities.

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Immigration officials defend their use of the word "police," saying all law enforcement agents have that right. But Hwang said residents might open their doors because they believe the agents are local police concerned for their safety. "It can't be consent unless the individual knows who they're letting into their home," Hwang said.

Kevin Johnson, an immigration law specialist at the UC Davis School of Law, said it seems like agents don't care whether the information in their warrants is wrong if it enables them to make arrests.

"That seems like an abuse of the warrant," Johnson said, "an abuse of the legal process."

Professor Rachel Moran at UC Berkeley's Boalt Hall School of Law said a warrant naming a specific individual doesn't authorize agents to search that person's home or question other residents there.

Victor and Elvira Mendoza were detained for weeks after agents arrived at their San Pablo home in January to serve a warrant for someone who didn't live there. The brother and sister had come to the Bay Area from Mexico in 2003 to be reunited with their parents, legal U.S. residents, whom they had last seen when Victor was 13 and Elvira 9.

Victor has studied English and has honed his skills as a clown, performing at schools and nursing homes and on the St. Paul's Catholic Church float in San Pablo's Cinco de Mayo parade, where he plans to appear again this year. And Elvira pulled down straight A's at De Anza High School, where she is preparing to graduate in June.

"Everyone else in our family has papers except my sister and me," said Victor Mendoza. "When we were in Mexico, we tried to get papers to come but we couldn't, so we crossed the border without permission. It's kind of hard to be without your parents."

Now the siblings await hearings on their fate before an immigration judge. Their lawyer, Stephen Coghlan of San Francisco, said many factors conspire against Mexican citizens gaining legal status here.

The wait for immigration visas for Mexican family members of U.S. citizens and permanent residents is six to 19 years. And the 1996 changes in the law greatly tightened the standards by which illegal immigrants can stave off deportation and get a "green card."

Undocumented immigrants now must prove they have been in the country 10 years and have good moral character, and their deportation must be deemed to cause a relative "exceptionally unusual hardship," a threshold almost impossible to meet, Coghlan said.

"It was a complete sea change," said Coghlan. "It's heartbreaking. Victor's a nice, articulate, soft-spoken guy who's had no contact with the law. ... He would be a fine, upright, outstanding citizen, a productive member of society. ... They call them illegal, but there's no way to be legal."

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Bay Area residents have said farewell to devoted parent volunteers, talented soccer coaches and close friends. Scores of Berkeley residents mourned the departure of Felipe and Norma Espinoza, who lived undocumented in the United States for two decades and built a much richer life for their three boys than they would have had in their hamlet in Michoacan, Mexico.

The Espinozas were placed in deportation proceedings before the current federal campaign. They hired a lawyer to try to gain legal residency, but the lawyer -- later disbarred -- didn't show up for court appearances after he took their money. In February, the couple told their sons to say goodbye to their classmates and pack their bags. The court had ordered them deported and the family returned to the two-room house where Felipe was born.

Felipe, a former steelworker, said in a phone interview that he hasn't yet found work, even as a field hand. Felipe Jr., 14, said he is studying math two years behind the geometry class he left at Berkeley High School and wishes he could return to the Bay Area, even without his parents.

Child psychology experts say children suffer most from the disruption of armed agents coming into their homes and taking away their parents -- and sometimes themselves. Children can experience stress, depression and anxiety disorders, said Amana Ayoub, a psychologist at the Center for Survivors of Torture, located in San Jose, who is familiar with Kebin Reyes' experience.

Psychiatrist Dr. Alicia Lieberman, director of the Child Trauma Research Project at UCSF, said children who witness their parents being taken into custody lose trust in their parents' ability to keep them safe and begin to see danger everywhere.

"Over and above the sense of terror about, 'What will happen to my mommy and daddy and what will happen to me?' the common thread is, 'We cannot trust the authorities,'" Lieberman said.

Many adults have responded the same way, said Evelyn Sanchez, advocacy coordinator with the Bay Area Immigrant Rights Coalition.

"We've been in touch with a lot of families that have been affected by the raids, and understandably they are scared," Sanchez said. "Being undocumented is no light matter anymore, and they are really taking cover."

Kebin Reyes' lawyers also said immigration officials need clear procedures to ensure children's welfare. Agents are supposed to allow detainees to arrange care for their children, according to a letter Karyn Lang, a top immigration official, wrote March 14 to Rep. Zoe Lofgren, D-San Jose, who leads the House's immigration subcommittee.

Elected officials who support the raids say the onus for protecting children is on their immigrant parents.

"It's unfortunate that families become detached," said Kurt Bardella, spokesman for Rep. Brian Bilbray, R-Carlsbad (San Diego County), who chairs the House

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Immigration Reform Caucus. "But when someone enters this country illegally, and they have a child here, they have made conscious decisions while their status in this country is uncertain. They are subjecting themselves and their families to the risk that the law might be enforced."

Sen. Dianne Feinstein of California last month wrote to Homeland Security Secretary Michael Chertoff, who oversees the immigration enforcement agency, expressing concern about how children are being treated during raids.

"I believe the federal government has a special obligation to ensure that the children of the undocumented individuals are treated humanely and left with appropriate caregivers," Feinstein wrote.

Rocio Avila, a lawyer for La Raza Centro Legal in San Francisco, said an adult client of hers was detained during a raid even though he is a U.S. citizen.

"He attempted to let them know he was a U.S. citizen, and they didn't initially believe him," she said. "He asked, 'Who are you here to see? Do you have a warrant?' They handcuffed him immediately and put him on the floor."

The man, fearful of publicizing his name, is considering legal action.

Elizabeth Larose Dunn, who leads Marin Montessori School, said a sixth-grade student whose parents were arrested in immigration raids in March and did not want to be identified by name is a high achiever and "beloved in the school."

"This is America, a place we'd like to think all of our children are safe," she said. "I'm so sad about this on a personal level." -----

The arrests

In a crackdown begun last May against illegal immigrants who ignored deportation orders, including convicted criminals, U.S. Immigration and Customs Enforcement agents arrested 18,149 people by Feb. 23.

More than one-third were people the agents encountered and independently suspected were illegal immigrants; officials are calling these "collateral" arrests.

Here's a breakdown of total and "collateral" arrests in California and the country:

National: 18,149 arrests -- 36.9 percent collateral (6,696)

Los Angeles region: 1,198 arrests -- 41.5 percent collateral (497)

San Diego region: 511 arrests - 56.6 percent collateral (289)

San Francisco region: 1,423 arrests -- 44.8 percent collateral (638)

Source: Associated Press (Immigration and Customs Enforcement data covers May 26,

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----- INDEX REFERENCES -----

COMPANY: AMERICAN CIVIL LIBERTIES UNION

NEWS SUBJECT: (Legal (1LE33); Children (1CH89); Social Issues (1SO05); Health & Family (1HE30); Government (1GO80); Police (1PO98); Parents & Parenting (1PA25); Crime (1CR87); Judicial (1JU36); Criminal Law (1CR79); Economics & Trade (1EC26))

INDUSTRY: (Smuggling & Illegal Trade (1SM35))

REGION: (Americas (1AM92); North America (1NO39); Mexico (1ME48); USA (1US73); California (1CA98))

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February 3, 2007

Section: Local

Immigrants in Richmond live in fear of deportation

David DeBolt, CORRESPONDENT

RICHMOND -- Before leaving her Richmond apartment, Jenni Spezeski peeks out the front door and looks down both ends of the street. She is looking to see if any agents from the Immigration and Customs Enforcement Agency, who have recently been cracking down and arresting illegal immigrants in Richmond, are waiting outside.

But it's not Spezeski they're after. Once the graduate of the University of California, Berkeley, who grew up in Arizona, determines it is safe to leave, she escorts her fianc out the door. He is identified only as Junior, an illegal immigrant from Brazil who came to the United States four years ago.

Spezeski said she and her fianc are afraid of ICE, which has arrested more than 100 residents in Richmond and Concord within the last few weeks. They have considered moving out of Richmond to avoid Junior's possible arrest or deportation.

"We've thought of moving to Canada," Spezeski said. "But I have a job and stability here, and I have to think about the future."

The couple were part of a packed audience at a public forum Sunday at St. Mark's Church in Richmond, where local residents, including legal and illegal immigrants, met with city officials, politicians and police. Residents spoke who have been affected by the ICE raids, which the government has carried out as part of Operation Return to Sender. The forum was organized by the church and the Contra Costa Interfaith Sponsoring Committee. The government effort began in June.

While ICE officials have said the agency targets individuals who are illegal immigrants with criminal histories or gang involvement, residents complained that people who have not been in any kind of trouble have been picked up while ICE has been searching for targeted individuals.

Ruben Gonzales, a Richmond resident, said ICE recently entered his home without a warrant and without knocking. They broke the door, he said on Sunday.

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"I was only in my underwear," Gonzales said. The federal officials made his wife, his grandchild and a family friend lie on the floor.

Local officials, including Mayor Gayle McLaughlin, have spoken out recently in defense of the city's immigrant population.

"I do not want our residents to live under terror," McLaughlin said Sunday.

Casa de Esperanza, a nonprofit organization housed at St. Mark's, has been working on a resolution to bring before the Richmond City Council on Tuesday.

As of Jan. 22, federal officials said they had arrested 119 people, primarily in Richmond and Concord. Sixteen were deported. In a Jan. 23 news release, ICE reported removing more than 750 foreigners from Southern California. The news release also said, "Since its launch in June 2006, Operation Return to Sender has resulted in more than 13,000 arrests nationwide."

Junior said many of the illegal immigrants in the Brazilian community were too afraid to attend Sunday's event.

"They didn't show up," he said outside the church. "They thought ICE would be here at the door." Junior, who runs his own construction company, employs workers from Brazil. It has been hard for them to focus at work the last few weeks, he said.

"They couldn't work because they would watch up the street to see if anyone was coming for them," he said. The couple said their fear partly stems from stories they have heard from friends and neighbors. They said one of their friends abandoned his apartment with his family to hide from ICE. The friend returned to the apartment to pick up more clothes for the family, but when he arrived he saw ICE agents outside the residence.

"They did a quick U-turn," Spezeski said. A friend of Junior's was arrested with his wife and a family friend when ICE entered their home at 6 a.m. looking for someone else, Junior said. The three were arrested because they lacked documentation, Junior said.

After a short time in jail, the three posted bail and now have six months to appeal their court ruling or go back to Brazil. They were at St. Mark's on Sunday and said they were afraid to give their names.

"I never was an activist, but this has gotten me out there," Spezeski said. She has been copying fliers explaining illegal immigrants' rights in dealing with the police and federal agents. She said ignorance of rights can result in "people (being) taking advantage of."

At St. Mark's Church, Mark Silverman, a staff attorney at Immigrant Legal Resource Center, explained immigration and other civil rights to the crowd, using demonstrations and skits to help them understand those rights.

Silverman told the audience to demand to see a badge before opening the door for police and to ask for the warrant to be slid under the door before opening it.

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"Whether you are a citizen or undocumented, we are all protected by the Fourth and Fifth Amendments (to the U.S. Constitution)," he said.

Spezeski and Junior remain unsure about where the next few months will take them. Because of their jobs, they said they don't anticipate moving away soon. Spezeski said they have recently been staying in hotels in other East Bay cities such as Pinole, but that has become too costly.

Junior is saving \$1,000 to send to his mother in Brazil to help pay for her much-needed surgery.

"In that sense, there's no money for a deposit," she said. "We are afraid to walk out the door, and that's not the life we want to be living."

----- INDEX REFERENCES -----

NEWS SUBJECT: (Crime (1CR87); Legal (1LE33); Social Issues (1SO05); Criminal Law (1CR79))

INDUSTRY: (Smuggling & Illegal Trade (1SM35))

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OTHER INDEXING: (CONTRA COSTA INTERFAITH SPONSORING COMMITTEE; IMMIGRANT LEGAL RESOURCE CENTER; IMMIGRANTS; IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY; JUNIOR; PINOLE; UNIVERSITY OF CALIFORNIA) (Berkeley; Casa de Esperanza; Gayle McLaughlin; Gonzales; Mark Silverman; McLaughlin; Operation Return; Ruben Gonzales; Silverman; Sixteen; Spezeski)

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